

**IN RE:** ) **CHAPTER 13**  
**JOHN DAVID GOLLAHON, JR** ) **CASE NUMBER G17-20024-JRS**  
**CHERI LANE GOLLAHON** )  
**DEBTORS** )

## **MOTION TO DISMISS**

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtors filed a petition for relief under Chapter 13 of Title 11.

2.

Debtors' Plan will exceed sixty months by five (5) months in violation of 11 U.S.C. 1322(d)(2)(C) and 11 U.S.C. 1307(c).

3.

Debtors have failed to tender all plan payments due in accordance with the confirmed plan. As of 3/25/2021 the Trustee received a total of \$109,200.00. The Trustee's records indicate the amount delinquent is \$7,200.00. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtors propose a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 30th day of March, 2021.

/s/ \_\_\_\_\_  
Eric W. Roach  
Attorney for the Chapter 13 Trustee  
State Bar No. 143194  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**EXHIBIT "A"**

CASE NO: G17-20024-JRS  
JOHN DAVID GOLLAHON, JR AND  
CHERI LANE GOLLAHON

03/25/2021

**RECEIPT HISTORY OVER THE LAST 12 MONTHS**

<u>DATE</u>	<u>TYPE</u>	<u>SOURCE</u>	<u>AMOUNT</u>
February 22, 2021	EPAYPR	7468856000	\$2,400.00
January 07, 2021	EPAYPR	7363729000	\$4,800.00
November 17, 2020	EPAYPR	7239450000	\$2,400.00
October 05, 2020	EPAYPR	7135843000	\$2,400.00
September 02, 2020	EPAYPR	7057627000	\$2,400.00
July 09, 2020	EPAYOP	6929367000	\$4,800.00
May 13, 2020	EPAYPR	6786706000	\$2,400.00
April 27, 2020	EPAYPR	6739150000	\$2,400.00
<b>Receipt Total:</b>			<b>\$24,000.00</b>

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

IN RE:  
**JOHN DAVID GOLLAHON, JR**  
**CHERI LANE GOLLAHON**  
**DEBTORS**)  
CHAPTER 13  
CASE NUMBER G17-20024-JRS

**NOTICE OF HEARING ON MOTION TO DISMISS CASE**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed a Motion to Dismiss and related exhibits with the Court seeking an Order of Dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **April 29, 2021 at 10:00 AM in Courtroom 103, 121 Spring Street, SE, Gainesville, GA. 30501**. *Given the current public health crisis, hearings may be telephonic only. Please check the "Important Information Regarding Court Operations During COVID-19 Outbreak" tab at the top of the GANB Website prior to the hearing for instructions on whether to appear in person or by phone.*

Failure to appear at the hearing or failure to resolve the matter prior to the hearing may result in the dismissal of your case. You should read this motion carefully and discuss it with your attorney, if you have one in your bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the dismissal of your case, you and/or your attorney must attend the hearing unless you have settled the matter prior to the hearing.

This the 30th day of March, 2021.

/s/\_\_\_\_\_

Eric W. Roach  
Attorney for the Chapter 13 Trustee  
State Bar No. 143194  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**CERTIFICATE OF SERVICE**

Case No: G17-20024-JRS

I certify that on this day I caused a copy of this Chapter 13 Trustee's Motion to Dismiss to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

JOHN DAVID GOLLAHON, JR  
CHERI LANE GOLLAHON  
PO BOX 373  
TALKING ROCK, GA 30175

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion to Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

**Attorney for the Debtor(s):**

SLIPAKOFF & SLOMKA, PC

This the 30th day of March, 2021.

/s/

\_\_\_\_\_  
Eric W. Roach  
Attorney for the Chapter 13 Trustee  
State Bar No. 143194  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201